



Chile

Country Reports on Human Rights Practices - [2002](#)

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Chile is a multiparty democracy with a constitution that provides for a strong executive, a bicameral legislature, and a separate judiciary. Approved by referendum in 1980 and amended in 1989, the Constitution was written under the former military government and retains certain institutional limits on popular rule. In January 2000, voters elected Ricardo Lagos of the Socialist Party as president in a free and fair runoff election. He defeated center-right candidate Joaquin Lavin of the Alliance for Chile coalition. All three presidents elected since the country returned to democracy in 1990 have been members of the four-party "Concertacion" coalition. The National Congress consists of 120 deputies and 48 senators; this includes 9 designated senators and 1 former president who is senator-for-life. On July 4, former President Augusto Pinochet resigned his position as senator-for-life. The Concertacion coalition held a 63-57 majority in the lower house. The Senate was divided 24-24 between pro-Lagos legislators and the opposition. The Constitution provides for a judicial system independent of the other branches of government.

The armed forces are constitutionally subordinate to the President through an appointed civilian Minister of Defense but enjoy a large degree of legal autonomy. Most notably the President must have the concurrence of the National Security Council, which consists of military and civilian officials, to remove service chiefs. The Carabineros (the uniformed national police) have primary responsibility for public order, safety, and border security. The civilian Investigations Police are responsible for criminal investigations and immigration control. Both organizations are under operational control of the Ministry of Interior. Some members of the police committed human rights abuses.

In 1999 the export-led free-market economy experienced its first recession after 15 consecutive years of expansion, and the economy has yet to regain its pre-1999 dynamism. The population is estimated at approximately 15.4 million. Economic growth for the year was 1.9 percent with inflation of 2.8 percent. Copper remained the most important export; salmon, forest products, fresh fruit, fishmeal, other minerals, and manufactured goods also were significant sources of foreign exchange. Unemployment averaged 9 percent during the year. The percentage of the population living below the poverty line decreased from 45 percent in 1987 to 20.6 percent in 2001.

The Government generally respected its citizens' human rights; however, problems remained in some areas. The most serious problems continued to be excessive use of force and mistreatment by police forces, and physical abuse in jails and prisons. Prisons often were overcrowded and antiquated. Detainees sometimes were not advised promptly of charges against them nor granted a timely hearing before a judge. Antidefamation laws adversely affected journalists and authors. The authorities occasionally used force against protesters. Discrimination and violence against women and children continued to be problems. Indigenous people remained marginalized. In December 2001, a new labor code was introduced that increased protections for such fundamental worker rights as the right to organize and bargain collectively. Child labor was a problem in the informal economy. Chile was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

During the year, the Government, primarily the judiciary, took significant steps to allow for the investigation of human rights abuses committed during the former military government and to bring those accountable in certain cases to justice. In January the armed services, religious groups, and human rights leaders provided some information on the manner of death and fate of 200 persons who disappeared while in official custody during the Pinochet regime; however, military authorities were unwilling or unable to provide a full accounting for the fate of many of the 3,000 persons who disappeared or were killed. On July 2, the Supreme Court ruled that former President Pinochet was mentally unfit to stand trial, and ended all legal proceedings against him in the Caravan of

Death case. There was no appeal of this decision. Subsequent rulings in other cases indicated that the same criteria would be used to block legal proceedings in all criminal cases brought against the former president.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Other Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

A number of cases from previous years in which the police were accused of extrajudicial killings due to excessive use of force or mistreatment of prisoners while in custody remained under investigation or pending resolution of appeals.

The family of Carlos Antonio Millaman Munos was successful in reopening the investigation into his January 2000 death. The case had been on hold due to failure to prove that a crime had taken place. Millaman had been detained on charges of aggravated robbery. According to the Corporation for the Promotion and Defense of Human Rights of the People (CODEPU), persons who visited him at the headquarters of the Investigative Police in the Santiago suburb of La Florida reported that he was in bad physical condition and feared for his life; he was transferred to the El Salvador hospital where he died later in the day.

In 1999 a court sentenced four police officers to 10 years in prison for the death of Raul Palma Salgado, who died in police custody in 1998 after police allegedly tortured him. After an appeal process, their sentence was reduced by a court martial. In August the Supreme Court restored the original sentence.

In December the investigation into the case of the 1989 murder of leftist leader Jecar Nehgme was delegated to Judge Hugo Dolmestch, who also was responsible for investigating the case known as Operation Albania--the June 1987 killings of 12 Manuel Rodriguez Patriotic Front (FPMR) members--because those responsible for the two crimes are thought to be the same. The investigation continued at year's end.

In 2000 former President Pinochet returned to Chile where he faced charges in numerous human rights cases. The investigation of the most prominent of these cases, known as the Caravan of Death, led to a Supreme Court decision in August 2000 that lifted Pinochet's parliamentary immunity. In January 2001, Judge Juan Guzman indicted him as the intellectual author of 57 homicides and 18 instances of kidnaping; an appeals court later reduced the charges to engaging in a coverup of the crimes. Pinochet was placed under house arrest and subsequently freed on bail. On July 2, the Criminal Chamber of the Supreme Court ruled that Pinochet was mentally unfit to defend himself against charges stemming from the Caravan of Death case; the ruling was based on psychiatric and neurological exams. There was no appeal. Subsequent rulings in other cases indicate that, for the same reasons, no criminal action against Pinochet is likely to occur. Following the court decision, Pinochet resigned his seat in the Senate taking advantage of a law that offers certain privileges to former presidents, including legal immunity.

The August 2000 ruling by the Supreme Court lifting Pinochet's immunity in the Caravan of Death case included an opinion by the majority indicating that the Amnesty Law (covering human rights violations from 1973 to 1978) and the statute of limitations should be applied only after the circumstances of the crime and the guilty party have been identified. Nevertheless, several judges (particularly in courts-martial) continued to close cases under the Amnesty Law without completing an investigation into the circumstances of the crime. On December 3, the Supreme Court reaffirmed its earlier opinion by ordering that a previously closed investigation into the disappearance of Hector Contreras be reopened, and transferred the case from military jurisdiction to a civilian court. The Foundation for Social Help of Christian Churches (FASIC), the CODEPU, and other human rights organizations have several denial-of-justice cases pending before the Inter-American Commission on Human Rights (IACHR) regarding previously closed disappearance and execution cases. Denial-of-justice cases based on application of the Amnesty Law also have been filed with the U.N. Commission on Human Rights (UNCHR).

In April in the case of Operation Albania, Judge Hugo Dolmestch indicted 16 former military and police officers, including retired army General Hugo Salas Wenzel, as well as 2 civilians. At year's end, the judge had not issued indictments in the related case involving the 1986 deaths of journalist Jose Carrasco and three other persons.

On August 5, the judge investigating the 1982 killing of labor leader Tucapel Jimenez sentenced six persons (including two retired generals) as authors of the crime, two as accomplices and four as involved in the coverup. Only those charged as authors received jail sentences. The others were given parole for varying periods of time.

Four of the accused were absolved. The labor union that Jimenez led before his death appealed the verdict and sought harsher sentences.

In June 2001, the Supreme Court upheld the ruling of a lower court not to reopen the case of Carmelo Soria, a Spanish citizen working for the U.N. and killed in Santiago in 1976. Nevertheless, in December the Government reached a settlement with the family, including monetary compensation of \$1.5 million (1.1 billion pesos), recognition of Soria's diplomatic status, and an agreement to ask the Supreme Court to reopen the case. The high court's decision was still pending at year's end.

On September 10, in response to an extradition request from Argentina, the Santiago Appeals Court ruled not to lift Augusto Pinochet's immunity (as a former president), arguing that his poor mental and physical health prevented him from standing trial for his role in the 1974 car bombing in Buenos Aires that claimed the lives of former Chilean army chief Carlos Prats and his wife Sofia Cuthbert. In October 2001, a judge ordered the preventive arrest of four retired generals and a civilian as a first step in processing their extradition for the same crime. On December 3, the Supreme Court decided that, rather than extraditing the accused, they would be tried in the country.

The investigation continued into the death of Charles Horman, a U.S. citizen killed after being detained by security forces following the 1973 coup d'etat. On October 11, the case was transferred from investigating Judge Juan Guzman to Judge Jorge Zepeda.

b. Disappearance

There were no reports of politically motivated disappearances.

In January 2001, through the Defense Ministry-sponsored Human Rights Roundtable Dialog, the armed forces provided information on the whereabouts of 200 persons who disappeared while in official custody during the Pinochet regime. All of the information was made public, but some of the information provided was found to be inaccurate. In addition, subsequent investigations have shown that the Air Force did not hand over all the information that it had collected. In October obstruction of justice charges were brought against Patricio Campos, the recently-resigned fifth-ranking general of the Air Force. The Communist Party and the Group of Families of the Disappeared subsequently initiated two lawsuits for obstruction of justice against former general Patricio Rios, the recently-resigned head of the Air Force. Investigations continued at year's end.

While noting the value in having the armed forces officially acknowledge the commission of human rights abuses during the Pinochet regime, President Lagos stated that there remained more than 600 cases of missing persons about whose whereabouts no information had been provided. The Ministry of Justice authorized 20 judges to dedicate their time exclusively to cases of disappearances and another 51 judges to give preference to the investigation of such cases. As a result of their work, the remains of a few dozen victims were found and identified, and some of the perpetrators of the crimes were charged.

Investigations of military-era detentions and disappearances of persons at Colonia Dignidad (now called "Villa Baviera"), a secretive German-speaking settlement 240 miles south of Santiago, made no further progress during the year. Paul Schaefer, who immigrated from Germany in 1961 with 300 followers, founded the 34,000-acre enclave. In April 1999, Judge Guzman issued a detention order against the 79-year-old Schaefer for the kidnaping and disappearance in 1974 of Alvaro Vallejos in the vicinity of Colonia Dignidad. Schaefer, also wanted by the authorities on other charges, remained a fugitive at year's end. In October 2000, the authorities arrested Schaefer's deputy Gerhard Muecke in connection with Vallejos' disappearance. The Government issued an order to expel Muecke but he must stand trial first in connection with Vallejos's disappearance and two other charges that remained under investigation at year's end. Muecke remained in custody at year's end.

In 1985 Boris Weisfeiler disappeared near Colonia Dignidad under circumstances that have yet to be fully clarified. The case was reopened, and it remained under investigation at year's end.

Of the 1,156 persons who disappeared under the military regime, the remains of more than 900 have yet to be found. The government agency in charge of the compensation program for the families of those executed or who disappeared under the military regime recognizes 3,197 victims of the Pinochet era. These include 2,095 victims in which circumstances of death have been established and 1,102 cases in which the persons disappeared. Survivors of the victims receive pensions, educational benefits, and other assistance. During the year, monthly pension benefits, distributed to an average 3,441 eligible survivors (spouse, mother or father, and children), were approximately \$9.5 million (6.3 billion pesos). From 1992 through 2001, the program distributed well over \$87 million (57.8 billion pesos).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids the use of excessive pressure on detainees and the law provides that if a member of the police force uses "torture or unlawful coercion," either physical or mental, orders them to be applied, or commits them against a person under arrest or detention, the officer would be sentenced to imprisonment. Officers who know about the abuse and have the "necessary power and authority" to prevent or stop it also would be considered accessories to the crime if they fail to do so. The CODEPU found that this law had an important impact on the conduct of the Investigative Police, but less so in the case of the Carabineros. Still, reports of abuse and mistreatment by the Carabineros, the Investigations Police, and prison guards were on the rise. Few of these reports lead to hearings in court and even fewer led to convictions.

In 2001 the Latin American Faculty of Social Sciences (FLACSO) published a report on court complaints filed about police violence, which indicated that such reports more than doubled over the last decade. The author speculated that some but not all of the increase may be attributable to an increased willingness on the part of citizens to report police mistreatment and the rise in arrests for certain types of crimes.

According to the FLACSO study, in 1995-96 the government Corporation for Judicial Assistance in Santiago received 195 accusations of mistreatment by the police at the moment of arrest in 1995-96, 400 in 1997, 815 in 1998, 1,107 in 1999, and 1,074 in 2000. Of a total of 3,591 cases, only 200 were brought before a judge. Usually countercharges of violence against police officers were filed and these cases were sent to a military court. The CODEPU was aware of only 12 cases in which the civil judge retained jurisdiction and notes that of 173 cases brought before military tribunals, only 6 resulted in convictions. The CODEPU was unaware of any case in which a member of the Investigative Police has been convicted.

No new information has become available regarding the mistreatment of military conscripts during the year.

During the year, there were instances of violent confrontations between radical Mapuche groups and local landowners, logging companies, and government authorities in the southern part of the country (see Section 5). The actions took the form of protests and, occasionally, instances of rock throwing, land occupations, and burning of crops or buildings. On November 11, an activist was shot and killed in a confrontation with the police. Several Mapuches were arrested in connection with acts of violence.

Police occasionally used force against protesters (see Section 2.b.).

In 2001 courses in human rights became part of the core curriculum in police academies for both rank and file police and officers. During the year, similar courses were introduced at the academy for prison guards and officials.

Prison conditions were generally poor. Prisons often were overcrowded and antiquated, with sub-standard sanitary conditions. In March overcrowding led to a prison riot in Valdivia in which part of the prison was destroyed by fire. Several guards and prisoners were injured although there were no fatalities. The prison, built for 200 inmates, housed more than 600. In 2001 a fire broke out in the prison in Iquique that led to the death of 26 prisoners. A police investigation into the circumstances surrounding the fire and the subsequent response by prison officials continued at year's end. The Ministry of Justice announced a \$5 million (3 billion pesos) program in all prisons to develop contingency planning for emergencies and prevent such incidents from occurring in the future.

The government recognized that overcrowding in prisons continued to be a problem. The Ministry of Justice stated that in October 2001 there were 34,335 prisoners in prisons designed to lodge 23,025 inmates, a situation that remained unchanged during the year. In 2001 the Ministry of Justice opened bids on 3 new prisons, to be completed in December 2003 and designed initially to house 4,800 prisoners. These prisons are part of a plan to construct 10 new prisons in the next several years, to house an initial population of 16,000 prisoners. Even with this ambitious construction program, the growing prison population is projected to continue to exceed the space available. Food met minimal nutritional needs, and prisoners may supplement the diet by buying food. Those with sufficient funds often can "rent" space in a better wing of the prison.

Although most analysts state that the guards generally behave responsibly and do not mistreat prisoners, prisoners have complained to CODEPU about beatings, and the courts have received numerous complaints of mistreatment of prisoners. Prison guards have been accused of using excessive force to stop attempted prison breaks. The Supreme Court expressed particular concern over the sanitary conditions and treatment of prisoners in the Colina II prison's Alfa high security unit. In January 26 prisoners were treated for self-inflicted wounds in protest of their conditions. An investigation ordered by the Supreme Court found evidence of physical mistreatment of the prisoners. The Santiago Appeals Court ordered the unit closed until improvements were made. No one was

charged by year's end.

The Minister of Interior asked the courts to conduct independent investigations of credible complaints of police abuse, but such investigations often did not result in arrests due in part to the reluctance of judges to pursue the issue vigorously. Statistics on complaints of mistreatment and reliable reporting of such instances during the year were not available.

When requested by other human rights organizations or family members, CODEPU lawyers visited detainees during the interrogation and represented some suspected terrorists in court. The CODEPU continued to investigate alleged use of excessive force against detainees and particularly was concerned about the treatment of prisoners in maximum-security prisons and prisoners with HIV/AIDS and mental deficiencies who often did not receive adequate medical attention.

Pretrial detainees generally were not held with convicted prisoners. Women generally were housed in separate facilities, which tend to be less crowded and with somewhat better conditions than men's prisons.

By law juvenile offenders (those under the age of 18) were segregated from adult prisoners. According to the latest available figures, there were 422 minors in adult prisons at the end of 1998. However, in September the Supreme Court admonished police officials for failing to keep minors sufficiently separated from adult offenders and ordered prison officials to correct this deficiency. Separation of minors was a concern especially when a minor initially was detained before being brought to court. A study by Diego Portales University determined that in 2001, of the 10,748 minors detained, 37.3 percent were initially held in adult facilities. The National Minors Service began construction of two juvenile detention centers during 2001 and two more during the year.

The Government permits prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution states that no one can be arrested or detained except by a public official expressly authorized by law. The courts must be advised within 48 hours of the arrest and the detainee placed at a judge's disposition. No one can be arrested or detained except in their house or a public facility designed for that purpose. Provisional liberty must be granted unless a judge decides that detention is necessary to pursue the investigation or for the protection of the prisoner or the public. The accused cannot be obliged to testify against himself. The authorities generally respected constitutional provisions for arrest and detention; however, detainees often were not advised promptly of charges against them nor granted a timely hearing before a judge. The Constitution allows civilian and military courts to order detention for up to 5 days without arraignment and to extend the detention of alleged terrorists for up to 10 days. The law affords detainees 30 minutes of immediate and subsequent daily access to a lawyer (in the presence of a prison guard) and to a doctor to verify their physical condition. The law does not permit a judge to deny such access; however, a 1994 study by Diego Portales University indicated that, at that time, 23 percent of the detainees interviewed said they had had no contact with a lawyer.

The most recent statistics available showed that at the end of 1999, 8 percent of the general prison population of 24,791 were under investigation but not charged with a crime; 45 percent were charged with an offense and were awaiting trial or had been convicted and were awaiting sentencing; and 48 percent were serving sentences.

The law requires police to inform those detained of their rights, to expedite notification of the detention to family members, and eliminates the ability of police to demand identification from or stop persons based solely on suspicion. The law also prohibits physical abuse by police against detained persons (see Section 1.c.). The Constitution allows judges to set bail.

There were no cases of forced exile; however, a number of people convicted of terrorism have had the remainder of their sentences commuted to exile.

e. Denial of Fair Public Trial

The Constitution provides for a judicial system independent of the other branches of government. Most sitting judges come from the career judiciary. All judges are appointed for life. A 1997 Constitutional reform set 75 as the age limit for Supreme Court justices, gave the Senate the right to veto presidential nominations to the Court, and increased court membership from 16 to 21. It also mandated that five members of the Supreme Court must be civilians from outside the career judiciary. The Supreme Court prepares lists of nominees for all members of the

Supreme Court and appeals courts, from which the President makes nominations. Cases decided in the lower courts can be referred to appeals courts and ultimately to the Supreme Court. The Supreme Court continued to work with the other branches of government on broad judicial reform.

If formal charges are filed in civilian courts against a member of the military, including the Carabineros, the military prosecutor asks for jurisdiction, which the Supreme Court sometimes has granted. This is of particular consequence in human rights cases from the period covered by the Amnesty Law. Military courts are much more inclined to grant amnesty without a full investigation. Military courts have the authority to charge and try civilians for terrorist acts, defamation of military personnel, and sedition. Rulings by military tribunals may be appealed to the Supreme Court. Persons accused of terrorist acts and persons arrested during demonstrations for assaulting a police officer are brought before military tribunals.

Civilians prosecuted in military courts have the same legal protections as those prosecuted in civilian courts (see Section 2.a.). They are entitled to counsel, the charges are public, the sentencing guidelines are the same (with the exception that the death penalty can be imposed in a military court but not in a civilian court), and appeals ultimately may be heard by the Supreme Court. The primary difference in the military court system is that the initial investigation and charges are brought by a military prosecutor and the first instance of appeal is in a Court Martial, composed of two civilian and three military judges.

A 1997 judicial reform law created the post of Attorney General, with a 10-year term, and an office of support staff that was in full operation during the year. An office of Public Defender also was established to provide professional legal counsel to anyone who should seek such assistance (see Section 1.d.). The judicial reform law, which applies to criminal cases, provides that national and regional prosecutors investigate crimes and formulate charges, leaving judges and magistrates the narrower function of judging the merits of evidence presented to them. Training and administrative setup began in 1999, and implementation began in December 2000, with oral trials in 2 of the 13 political regions. At year's end, eight regions had begun to implement the reform. Initial reports indicated that the reform resulted in a more transparent process, greater respect for defendants' rights, and speedier trials.

The preexisting criminal justice system did not provide for oral trials. In those regions where the judicial reform law has yet to be implemented, criminal proceedings were inquisitorial rather than adversarial. The Constitution provides for the right to legal counsel, but indigent defendants, who account for the majority of the cases, have not always received effective legal representation. They usually were represented by someone from the Government's legal assistance corporation, often a law student finishing his or her studies and doing a mandatory internship. On occasion the court may appoint a lawyer.

There were no reports of political prisoners, although 57 inmates in Santiago's maximum-security prison all charged with terrorist acts following the return to democracy routinely claimed to be political prisoners. Their cases have been pending for 10 to 12 years before a military court. They have yet to be convicted or sentenced.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. A privacy law bars obtaining information by undisclosed taping, telephone intercepts, and other surreptitious means, as well as the dissemination of such information, except by judicial order in narcotics-related cases.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Human rights groups criticized the existence and application of laws that allow government officials to prosecute journalists who insult or criticize them; the Government revoked one such law and sought to revoke others, but cases were still brought during the year.

The press maintained its independence, criticized the Government, and covered issues sensitive to the military, including human rights cases. In 2001 President Lagos signed a law on freedom of the press that eliminated a provision under the 1958 State Security Law that made it a criminal offense to besmirch the honor of state institutions and their members and symbols, such as the Congress, the Supreme Court, the military services, the flag, and the President. Before its revocation, individual government officials occasionally had invoked the provision. Military courts have the authority to charge and try civilians for defamation of military personnel and for sedition, but their rulings may be appealed to the Supreme Court (see Section 1.e.).

Despite the new press law, the Penal Code still prohibits insulting state institutions such as the presidency, as well as legislative and judicial bodies. In December the president of the Supreme Court brought charges against a talk show participant who, commenting on the case of a woman who spent 3 years in prison for a crime for which she ultimately was absolved, accused the justice system of being immoral, cowardly, and corrupt. He was imprisoned briefly and released on bail. The case was still pending at year's end. The Government sought priority action in Congress on a bill that would remove these provisions protecting government officials.

In December 2001, the president of the State Defense Council brought private libel charges against *El Mercurio* newspaper for criticism of her performance of official duties and the suggestion that she resign. She had to bring charges on a private basis because the State Defense Council is not one of the institutions covered against libel in the Penal Code. The case was still pending at year's end.

A 1996 privacy law set penalties for those who infringe on the private and public life of individuals and their families; however, the privacy law has never been applied to the media.

Two major media groups controlled most of the print media, which largely were independent of the Government. The Government is the majority owner of *La Nacion* newspaper, but its editorial content is not under direct government control. Investigative journalism made significant strides forward when *La Nacion* reported on the alleged withholding of information on human rights violations under the military regime by the Air Force and in addition, when several leading private newspapers broke stories on alleged bribery within congress and the Ministry of Transportation and Public Works.

The broadcast media also largely were independent of direct government influence. The Television Nacional network is state-owned but not under direct government control. It receives no government subsidy and was self-financing through commercial advertising. It is editorially independent and is governed by a board of directors appointed by the President and approved by the Senate. Members reflect various political viewpoints, and the board encouraged the expression of varied opinions over the network.

The National Television Council (CNT), supported with government funding, is charged with assuring that television programming "respects the moral and cultural values of the nation." The CNT's principal role is to regulate violence and sexual explicitness in both broadcast and cable television programming content. Films and other programs judged by the CNT to be excessively violent or to have obscene language or sexually explicit scenes may be shown only after 10 p.m. when "family viewing hours" end. In practice the ever-increasing volume of programming made the CNT's job all but impossible. The CNT issued occasional warnings to networks and cable providers and sometimes obliged them to postpone the showing of certain films until after 10 p.m. It also occasionally levied fines. Debate continued over the CNT's role during the year.

On July 11, the Congress approved a constitutional reform designed to put an end to film censorship and established a film classification system to take its place. The new classification system was scheduled to begin operating in January 2003. Following a 2001 ruling criticizing the Supreme Court's 1997 decision to uphold the 1989 ban on the exhibition of the film "The Last Temptation of Christ," the IACHR gave the Government 60 days to explain what steps had been taken to end censorship and allow exhibition of the film. At year's end, the film had still not been exhibited commercially in the country.

On December 4, a Santiago court ordered police to seize immediately all existing copies of journalist Cristobal Pena's book "Cecilia, La Vida en Llamas". The book is an unauthorized biography of pop diva Cecilia Pantoja and the removal order came after the singer filed a libel suit against the author. The book no longer was on sale in bookstores pending an appeal by the author.

The courts may prohibit media coverage of legal cases in progress but did so rarely. The press began using foreign Internet web sites to publish articles when gag orders were issued. The Government did not restrict use of the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble peacefully, and the Government generally respected this right in practice; however, police occasionally used force against demonstrators.

In April police arrested more than 100 students protesting the cost of student bus passes in Santiago. In June

police used tear gas and water cannons to break up a student protest in Valparaiso over the financing of university studies. In August police arrested more than 60 students and several persons were hurt during a student protest over the cost of bus transportation in Santiago. In early September, police arrested 12 persons and again used water cannons and tear gas in Valparaiso when students commemorating victims of the military dictatorship began erecting barricades and throwing Molotov cocktails. On the anniversary of the September 1973 coup 505 protesters (445 from around the city of Santiago and 60 elsewhere in the country) were arrested. There were 14 policemen injured (4 seriously). One person attempting to erect a barricade was injured.

On October 16, one person was injured and 22 arrested when police broke up a hip hop concert. An amateur video showed what appeared to be unnecessary force by the Carabineros, leading the Corporation to Defend the Rights of Juveniles (CODEJU) to bring a lawsuit against the Carabineros.

The Constitution provides for the right of association, and the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Church and State officially are separate; however, the Roman Catholic Church continued to receive some preferential treatment. All denominations practiced their faiths without restriction.

A 1999 law on religion, designed to bring other religious entities in line with the legal status enjoyed by the Catholic Church, went into effect in March 2000. The law bestows the same legal status that the Catholic Church previously enjoyed upon all other faiths and removed the ability of the State to dissolve religious entities by decree. Instead, this only can occur after a judicial review begun by a complaint filed by the autonomous State Defense Council.

Many of the approximately 2 million Protestants, who represent about 12 percent of the population according to the latest census (1992), asserted that the Government has discriminated against them. They cited the absence of Protestant armed forces chaplains, difficulties for pastors to visit military hospitals, and the predominantly Catholic religious education in public schools. Military recruits, whatever their religion, were required at times to attend Catholic events involving their unit. The new law grants other religions the right to have chaplains in public hospitals, prisons, and military units, and the presence of Protestant ministers in these institutions was on the rise. In August Minister of Defense Bachelet promised that all branches of the military would have Protestant chaplains. In December 2001, President Lagos designated Methodist Bishop Neftali Aravena as copastor for the chapel located in the Presidential Palace. Aravena is the first non-Catholic pastor assigned to the chapel in the Presidential Palace. A Protestant representative also was given equal protocol status with the Roman Catholic Cardinal at official events.

In July 2001, the President promulgated new regulations reinforcing a prisoner's right freely to profess the religion of his or her choice. The regulations require prisons to develop areas for worship and to enlist Protestant and Catholic chaplains to hold services. As much as 70 percent of the prison population is estimated to engage in religious activities, primarily evangelical or Catholic.

Schools were required to offer religious education twice a week through middle school; enrollment in religious classes is optional for students. It was mandatory to teach the creed requested by parents, although enforcement was sometimes lax. Instruction was predominantly in the Roman Catholic faith; however, more schools offered non-Catholic alternatives for religious education. The mayor of Santiago pledged in September that all schools in the municipality would offer an evangelical alternative.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. In order for minor children to leave the country, either alone or with only one of their parents, they must have notarized permission from the nonaccompanying parent(s).

The law includes provisions for granting asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum has not arisen.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens 18 years of age and over. In January 2000, voters elected Ricardo Lagos, of the Socialist Party, as president in a free and fair runoff election. He defeated center-right candidate Joaquin Lavín of the Alliance for Chile coalition. Lagos is a member of the center-left Concertación coalition, which includes his Socialist Party, the Christian Democratic Party, the Party for Democracy (of which Lagos is also a member), and the Radical Social Democrat Party.

The legislative branch, with the exception of 10 nonelected senators among the 48 members of the upper house, is elected freely and is independent from the executive branch. In December 2001, free and fair congressional elections were held for all 120 seats in the lower house and 18 of the 38 elected seats in the Senate. The elections resulted in a 24-24 split between pro-Lagos senators and those of the opposition and narrowed the Concertación coalition's lead in the lower house from 70-50 to 63-57.

The Government still operates under some political restraints that the military regime imposed. Under the 1980 Constitution, various national institutions—including the President, the Supreme Court, and the National Security Council (the latter acting on nominations by the armed forces)—appoint an additional nine Senators (beyond those elected) to 8-year terms. In addition, former President Frei exercised his option to become a senator-for-life. Former President Pinochet resigned his senator-for-life position in July (see Section 1.a.).

The former military government wrote the 1980 Constitution, and amended it slightly in 1989 after losing a referendum on whether General Pinochet should stay in office as president. The Constitution provides for a strong presidency and a legislative branch with limited powers. It includes provisions designed to protect the interests of the military and places limits on majority rule. These provisions include limitations on the President's right to remove the commanders in chief of the three armed services and the Carabineros, certain types of legislation that require super-majorities, and the provision for nonelected senators. In January the IACHR issued a resolution criticizing the existence of designated senators and senators-for-life and urged the Government to end the practice. In October 2000, a Senate Commission (including two designated Senators) unanimously approved a proposal that would abolish these positions starting in 2006; however, at year's end, Congress had not passed legislation codifying this and other proposals for constitutional reform.

Women have the right to vote and were active in all levels of political life, including grassroots movements. There were no legal impediments to women's participation in government and politics. There were 15 women among the 120 deputies, 2 women in the 48-seat Senate, and 5 women among the 16 cabinet ministers. In October 2001, President Lagos appointed the first woman ever to serve as 1 of the 21 justices of the Supreme Court.

The approximately 1.2 million indigenous people have the legal right to participate freely in the political process, although relatively few were active politically. There were no members of Congress who acknowledge indigenous descent.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several human rights Nongovernmental Organizations (NGOs) were active; however, many faced difficulties, due to limited sources of funding. The Chilean Human Rights Commission, an NGO, is affiliated with the International League of Human Rights. The Foundation for Social Help of the Christian Churches continued to be active on the full range of human rights issues and tracked the status of many human rights cases, especially those involving the military. The CODEPU and the Corporation to Defend the Rights of Juveniles greatly reduced their scope of activity during the year. The Government cooperated with domestic NGOs efforts to investigate accusations of human rights violations. Many international NGOs also followed human rights issues closely.

In May 2001, the Minister of Interior created an advisory council to oversee a new autonomous state agency created to protect and promote human rights. The agency helped the Legal Medical Service identify the remains of those who disappeared during the Pinochet regime; cooperated with the judiciary in designating special judges to investigate disappearances; and, through the Ministry of Defense, has worked with the armed forces to obtain more information (see Section 1.b.).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality before the law and the Government generally respected these provisions. In 1999 Congress amended the Constitution to emphasize the principle of equality between men and women and stated that "persons are born free and equal in their dignity and rights." The new Labor Code prohibits discrimination based on race, color, sex, age, marriage status, union membership, religion, political opinion, nationality, national origin, or social status (see Section 6.a.); however, such discrimination occurred in practice.

Women

Serious problems affecting women included sexual and domestic violence. During the year, the National Women's Service (SERNAM), which combats discrimination against women, conducted courses on the legal, medical, and psychological aspects of domestic violence for police officers and judicial and municipal authorities. A 1994 law specifically addresses violence within the family. A study done in July 2001 by the University of Chile indicated that more than half the women in the country have experienced violence in their relationship with their partner. The study calculates that 34 percent of women have been subject to physical violence (of which 14.9 percent was sexual violence) and another 16.3 percent have suffered psychological violence. Since the law on intrafamily violence went into effect, the number of cases presented in the courts has increased from 1,419 in 1994 to 73,559 in 1999. In July 2001, SERNAM and more than 70 NGOs initiated a campaign that included prominently displayed posters and other activities designed to increase public awareness of the problem of violence against women and reduce its occurrence.

The courts may order counseling for those involved in intrafamily violence. At year's end, there were 17 government and 8 private centers to attend to victims of intrafamily violence. The Investigative Police had a special office that provided counseling for rape victims. The Ministry of Justice also had several offices located throughout the country specifically for assistance in rape cases. There were a number of NGOs such as La Morada that provided counseling.

The law took effect increasing the penalties for sexual abuse. The legislation includes clauses to facilitate proof of the crime and to protect the privacy and safety of the person making the charge. The Citizens' Peace Foundation indicated that there were 1,373 cases of rape reported to the police in 2001, 1,250 in 2000, 1,297 in 1999, and 1,052 in 1998. Experts believe that a majority of rape cases go unreported.

Adult prostitution is not expressly illegal. Police habitually detained prostitutes (usually as a result of complaints by residents of the neighborhood) and accuse them of "offenses against morality," which can lead to a \$70 (50,000 pesos) fine or 5 days in prison.

There were no laws against sexual harassment, although it was generally recognized as a problem.

Legal distinctions between the sexes still exist. The law permits legal separation but not divorce, so those who wish to remarry must seek annulments. Since annulment implies that a marriage never existed under the law, former spouses are left with little recourse for financial support. A 1994 law created conjugal property as an option in a marriage, but some women saw this as a disadvantage, since the law on separate property (which still exists) gives women the right to one-half their husbands' assets but gives husbands no rights to assets of the wife. In the face of heavy opposition from the Catholic Church, the Chamber of Deputies approved a divorce bill in 1997; the bill faces Senate opposition but was still on the legislative agenda at year's end.

A July 2001 SERNAM study found that the average earnings of women were 68.2 percent of those of male heads of household. Women with no schooling averaged a salary that was 81.3 percent that of their male counterparts. The minimum wage for domestic helpers (who are thought to number 300,000 in what is probably the largest single category of working women) was only 75 percent of the standard minimum wage (see Section 6.e.). Women with university training averaged 53.4 percent as much earnings as their male counterparts. The Labor Code provides specific benefits for pregnant workers and recent mothers; these also apply to domestic workers. Employers do not have the right to ask women to take pregnancy tests prior to hiring them, although the La Morada Corporation for Women has received reports that the practice continued in some companies.

Children

The Government provides free education through high school; education is compulsory from first through eighth grade.

Violence against children was a serious problem, although it appeared to be declining. A survey of 8th grade students by UNICEF comparing the incidence of mistreatment from 1994 to 2000 showed that in 1994, 63 percent of children had been subject to some sort of physical violence compared with 54 percent at the end of the period.

During the same period, those having suffered some sort of serious physical violence from their parents had fallen from 34 percent to 25 percent.

A 1999 report by the National Minors Service (SENAME) noted that it had handled the cases of 5,453 mistreated children for the first 6 months of that year; 583 of these cases were judged severe enough to be presented to legal authorities. The SENAME reported that 9,723 cases of abuse were brought to its attention in 1998. From mid-1998 to December 1999, the SENAME brought to the courts 713 cases for child abuse, 314 for rape, 292 for sexual abuse, 79 for grave harm done to children, and 28 cases of homicide. Of the cases, 70 percent came to trial, of which 80 percent resulted in convictions. SENAME lawyers received specialized training in child abuse cases, leading to a higher conviction rate of offenders according to the Director of the organization. A report from the La Morada Corporation for Women released in 1999 estimated that there were 20,000 cases of sexual abuse of children every year.

A 1996 UNICEF report stated that 34 percent of children under 12 years of age experienced serious physical violence, although only 3.2 percent of the victims of intrafamily violence reported to the Carabineros family affairs unit were below the age of 18. A 1994 law on intrafamily violence was designed in part to address this problem. According to UNICEF, some form of corporal punishment was used by one or both parents in 62 percent of households.

Child prostitution was a problem (see Section 6.f.).

Police and social workers make an effort to identify and place child prostitutes found on the streets in juvenile homes.

Persons with Disabilities

The law promotes the integration of persons with disabilities into society; the Government's National Fund for the Handicapped has a small budget to encourage such integration. The 1992 census found that 288,000 citizens said that they had some form of disability. Persons with disabilities still suffer some forms of legal discrimination; for example, blind persons cannot become teachers or tutors. Although the law requires that new public buildings provide access for persons with disabilities, the public transportation system did not make provision for wheelchair access, and subway lines in the Santiago metropolitan area provided facilitated access for persons with disabilities only in some areas.

Indigenous People

Approximately 1.2 million persons identify themselves as indigenous. The Mapuches, from the south, account for approximately 930,000 of this total. There are also small Aymara, Atacameno, Rapa Nui, and Kawaskhar populations in other parts of the country. A committee composed of representatives of indigenous groups participated in drafting the 1993 law that recognizes the ethnic diversity of the indigenous population and gives indigenous people a voice in decisions affecting their lands, cultures, and traditions. It provides for eventual bilingual education in schools with indigenous populations, replacing a statute that emphasized assimilation of indigenous people. Of the population that identifies itself as indigenous, approximately one-half remained separated from the rest of society, largely due to historical, cultural, educational, and geographical factors. In practice the ability of indigenous people to participate in governmental decisions affecting their lands, cultures, traditions, and the allocation of natural resources was marginal. Indigenous people also experienced some societal discrimination.

The National Corporation for Indigenous Development (CONADI) was created in 1994, and indigenous people were elected directly as representatives to this body in 1995 and 1999. It advises and directs government programs that assist the economic development of indigenous people. In May 2000, the Commission for Truth and New Treatment appointed by the Lagos administration proposed a 16-point program aimed at addressing indigenous concerns. As part of the program, the Commission for Truth and New Treatment became permanent, with a mandate to find ways to facilitate the participation of Mapuche and other indigenous populations in the formulation of national policies affecting them. The commission met during the year and is charged with issuing a report by June 2003.

Land occupations and other violence by isolated Mapuche Indian groups against private forestry companies occurred through much of the year (see Section 1.c.). Police arrested nine Mapuches following a land seizure in March. In April, in two separate instances, trucks carrying lumber were set on fire; no persons were injured. The police charged two Mapuches in one of the incidents. Approximately a dozen Mapuches briefly occupied the offices of the European Union protesting the Government's handling of Mapuche land issues and its treatment of

indigenous people.

On November 7, a Mapuche activist was shot and killed in a confrontation with police. This incident led to a rise in protests and confrontations. In December seven leaders of the activist group Coordinadora Arauco-Malleco were arrested and jailed as suspects in an attack on a forestry plantation in December 2001. They face charges for terrorist acts and for being part of an illicit association under the State Security Law.

Several Mapuche families continued to object to exchanging traditional lands for other property as part of the Ralco hydroelectric project. Sixty-seven families accepted economic inducements to move to other land but six families involved continued to object to Ente Nacional de Electricidad's (ENDESA) effort to have them resettled. In March police used tear gas and bullets to turn back protesters armed with Molotov cocktails, sticks, and stones in an attempt to block construction of the dam. More than 50 protesters were arrested and 15 injured. In June a small bomb blew out windows at the Chilectra headquarters (owned by ENDESA) in Santiago. In December one of the six families reached a financial settlement with the company. The others subsequently entered into negotiations with ENDESA.

The Ninth region, which is mainly Mapuche, is one of the regions using the new criminal justice system (see Section 1.e.). Because of a rise in cases stemming from violent actions, some indigenous leaders saw the new system as a way to target and repress the Mapuche; these feelings of distrust may represent a lack of understanding of the new system, which in fact provided them with enhanced rights.

The Government was preparing a response to a 1999 suggestion from the U.N. Committee for the Elimination of Racial Discrimination that the Government apologize to and compensate indigenous people for their historical treatment, and explicitly outlaw racial and ethnic discrimination.

National/Racial/Ethnic Minorities

The country assimilated a major European migration in the 19th century and major Middle Eastern and Croatian migrations in the early part of the 20th century. There are also smaller racial and ethnic minority groups such as those of Asian descent and African-Chileans, who experienced some societal intolerance.

Section 6. Worker Rights

a. The Right of Association

Workers have the right to form unions without prior authorization and to join existing unions. The work force was estimated at 5.87 million persons, of whom 3.7 million were salaried. Union membership was approximately 580,000, or roughly 10 percent of the work force. Police and military personnel may not organize collectively. Members of unions were free to withdraw from union membership. The law prohibits closed union shops.

The Labor Code permits nationwide labor centrals; the Unified Workers Central (CUT) was the largest and most representative of these. Labor unions were effectively independent of the Government, but union leaders usually were elected from lists based on party affiliation and sometimes receive direction from party headquarters. Political activities or affiliations of unions or union officials were not restricted, although currently serving union officials are not allowed to hold public office. Registering a union was a simple process. In December 2001, a major reform of the Labor Code went into effect. Among various other provisions aimed at facilitating the formation of unions and promoting collective bargaining, the reform freed unions from government regulation of their internal organization and permitted unions to be structured along geographic as well as functional lines.

Amendments to the Labor Code resulting from the 1981 reform placed additional limits on the causes for dismissal (for example, misconduct outside the workplace no longer was grounds for dismissal) and significantly increased the penalties for unjustified dismissals. Employees who believe they have been dismissed unfairly or dismissed owing to their trade union activities file complaints with the Ministry of Labor and ultimately, the labor tribunals. According to the revised Labor Code, if the dismissal is found to be related to trade union activity on the part of the employee, he or she may choose between reinstatement with back wages or an additional compensatory payment. The burden of proof rests with the employer in cases in which alleged illegal antiunion activity is supported in a report by a labor inspector.

During the year, there continued to be allegations that employers dismissed workers for union activity and attempted to avoid a complaint by immediately paying them some multiple of the normal severance pay. During the year, labor leaders complained that companies invoked the law's needs-of-the-company clause to fire workers after

a union had signed a new contract even though penalties for doing so without justification have been increased. Workers often were reluctant to contest these actions because of the huge backlog in the Labor Tribunals. This is expected to change since the Labor Directorate may become a party to these cases.

The CUT and many other labor confederations and federations maintained ties to international labor organizations.

b. The Right to Organize and Bargain Collectively

Employees in the private sector have the right to strike; however, the Government regulates this right, and there were some restrictions. The law permits replacement of striking workers, subject to the payment of a fine that is distributed among the strikers. Public employees in theory do not enjoy the right to strike, although government teachers, municipal, and health workers have gone on strike in the past. The law proscribes employees of some 30 companies--largely providers of essential services (e.g., water and electricity)--from striking; it stipulates compulsory arbitration to resolve disputes in these companies. There was no provision for compulsory arbitration in the public sector. Strikes by agricultural workers during the harvest season were prohibited.

Employers must pay severance benefits to striking workers and must show cause to dismiss workers.

There were a number of strikes during the year. In May 2001, a strike against the bicycle manufacturer Bianchi received considerable attention when one of the striking workers was struck and killed by a bus carrying nonstriking workers attempting to enter the facility. The case remained under investigation for possible criminal charges at year's end. Eight workers were fired after the strike ended.

Despite legal provisions for collective bargaining, before the modifications that went into force in December 2001, the Labor Code included provisions that made it difficult for trade unions to organize in many sectors.

Union officials and the Ministry of Labor have indicated that the modifications of the Labor Code have made union organizing easier and preliminary data on new union formation after December 2001 appear to confirm those expectations. The head of the labor inspectors stated that her office noted among workers a sense of greater security in forming new unions and initiating collective bargaining negotiations, while at the same time, less resistance to these activities on the part of employers.

Workers engaged in the formation of a union may not be discharged during the period from 10 days before to 30 days after the vote to unionize. Likewise, the workers engaged in collective bargaining are immune for 10 days before the presentation of a contract proposal until 30 days after it is signed. They are also entitled to all pertinent financial information from the company for the last 2 years. The modifications also greatly increase fines for violating immunities enjoyed by union leaders or artificially dividing up a company for the purpose of avoiding provisions in the code or resisting unionization. To enforce the new provisions, the Labor Directorate under the Ministry of Labor had begun to hire some of the 443 new employees mandated under the new legislation, including 300 labor inspectors, almost doubling the number of field inspectors.

Temporary workers--defined in the Labor Code as those in agriculture and construction, as well as port workers and entertainers--may form unions, but their right to collective bargaining is limited. The recent modification of the Labor Code contains reforms aimed at facilitating collective bargaining in the agricultural sector but it is still dependent on employers agreeing to negotiate. Inter-company unions were permitted to bargain collectively only if the individual employers agree to negotiate under such terms.

Labor laws apply in the duty free zones; there were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution and the Labor Code prohibit forced or bonded labor, and it was not known to occur. While the Labor Code does not specifically prohibit forced and bonded labor by children, there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment

The law restricts child labor; however, it was a problem in the informal economy. The law allows children between the ages of 16 and 18 to work with the express permission of their parents or guardians. The law allows 15-year-olds to work under certain conditions; their parents must consent, they must have finished compulsory schooling, and they may only perform light work not requiring hard physical labor or constituting a threat to health and

childhood development. Additional provisions in the law protect workers under 18 years of age by restricting the types of work open to them (for example, they may not work in nightclubs) and by establishing special conditions of work (they may not work more than 8 hours in 1 day). The minimum age to work in an underground mine is 21 years; special regulations govern the ability of 18- to 21-year-olds to work at other types of mining sites.

Labor inspectors enforced these regulations, and compliance was good in the formal economy; however, many children were employed in the informal economy. UNICEF estimated that approximately 107,000 children between the ages of 12 and 19 work. A government study in 1996 estimated that 15,000 children between the ages of 6 and 11 and 35,000 children between the ages of 12 and 14 were in the work force. A 1998 Catholic Church study estimated that 50,000 children under the age of 15 worked. The majority of these were males from single-parent households headed by women; among these were children who worked more than 40 hours per week and did not attend school. During the year, an ILO study put the number of working children age 12-14 in 2000 at 14,914, or 2 percent of the children of that age. Children sold chewing gum on the street, washed windshields, worked as street performers, begged, or helped their parents to harvest crops. The Ministry of Labor convenes regular meetings of a tripartite group (business-labor-government) to monitor progress in eradicating child labor.

e. Acceptable Conditions of Work

The law sets minimum wages, and the minimum wage is adjusted annually. A tripartite committee comprising government, employer, and labor representatives normally suggests a minimum wage based on projected inflation and increases in productivity. The minimum wage at year's end was approximately \$150 (111,500 pesos) net of deductions per month. This wage was designed to serve as the starting wage for an unskilled single worker entering the labor force and did not provide a worker and family with a decent standard of living. The minimum wage for domestic servants was 75 percent of that for other occupations (see Section 5). The Government estimated that the proportion of the workforce at or below minimum wage rose from 9.1 percent in 1998 to 14.4 percent in 1999. According to the Government, of the workers who earn the minimum wage, approximately 43 percent are between the ages of 15 and 19.

The law sets hours of work and occupational safety and health standards. The legal workweek is 48 hours and is scheduled to be reduced to 45 hours on January 1, 2005. The maximum workday length is 10 hours, but positions such as caretakers and domestic servants are exempted. All workers enjoy at least one 24-hour rest period during the workweek, except for workers at high altitudes who voluntarily exchange a work-free day each week for several consecutive work-free days every 2 weeks.

Occupational health and safety were protected under the law and administered by both the Ministries of Health and of Labor. The Government increased resources for inspections by more than 60 percent since 1990 and plans almost to double the current number over the next 3 years, while targeting industries guilty of the worst abuses. As a result, enforcement was improving, and voluntary compliance was fairly good. Insurance mutual funds provide workers' compensation and occupational safety training for the private and public sectors. Workers who remove themselves from situations that endanger their health and safety have their employment protected if a real danger to their health or safety exists.

f. Trafficking in Persons

There were no laws that specifically prohibit all forms of trafficking in persons; however, the law makes it a crime for anyone to promote or facilitate the entry to or exit from the country of persons for the purpose of facilitating prostitution. Sanctions are increased in cases in which the victim is a minor; in which violence or intimidation is used; if deception or abuse of authority is involved; if the victim is related or under the tutelage of the perpetrator; if advantage is taken of a victim's circumstances or handicap; or if the action is of a recurring nature. Child prostitution was a problem; there were a few other reports that persons were trafficked to or from the country.

There are legal sanctions for adults who are found to have induced children under the age of 18 to engage in commercial sex or engage them for the purposes of pornography. UNICEF estimated in 1999 that there were roughly 10,000 child prostitutes between the ages of 6 and 18. The age of consent is 12 years; the law is vague regarding child prostitution above this age unless force, fraud, or abuse of authority can be proven.

The Government employs various measures to help educate the general population on trafficking. For example, the Carabinero Public Relations Department carried out lectures on prevention intended for children, adolescents, and adults with the purpose of preventing the disappearance of minors and adolescents as well as avoiding deception. Other organizations such as Mother's Centers, and the National Service for Minors also offered support programs to prevent trafficking.